

**REMARKS/ARGUMENTS**

Claims 2-24, 27, 28, 30-34, and 36-41 are now in this application. Claims 2, 13 and 20 have been amended. Claim 35 has been canceled.

The drawings were objected to.

Claims 2, 3, 5, 6, 13, 14, 20-22, 30-33 and 37 were rejected under 35 USC 112.

Claims 15 and 35 were rejected under 35 USC 102.

Claims 15-19 were rejected under 35 USC 103.

Claims 4, 15-19, 23, 24, 27, 28, 34-36, and 38-41 were objected under double patenting.

Applicants gratefully acknowledge the Examiner's indication of the allowability of the subject matter of claims 7-12.

**Drawing Objections**

The drawings are objected to under 37 CFR 1.83(a) for not indicating every feature of the invention specified in the claims, specifically, the features of claims 5, 6, 13, 14, 20-22, 30-33 and 37 in combination with the plenum of Claim 2.

This rejection has been mooted by correction to the dependencies of dependent Claims 13 and 20, discussed below.

**Claim Rejections - 35 USC § 112**

Claims 2, 3, 5, 6, 13, 14, 20-22, 30-33 and 37 are rejected under 35 USC 112, 2<sup>nd</sup> paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite because it is unclear how there can be first and second openings in a plenum that has a continuous opening in the enclosure extending around the axis of symmetry of the chamber. This rejection is overcome by deleting the language of plural openings.

Claims 5, 6, 13, 14, 20-22, 30-33 and 37 are indefinite because the subject matter of these claims does not relate to the "plenum" of Claim 2. This rejection is overcome by correction to the dependencies of dependent Claims 13 and 20 so that they now depend from Claim 4, which has no plenum elements. Claims 5 and 6 always depended from Claim 4 and therefore Claims 5 and 6 should not have been included in this rejection.

#### **Claim Rejections - 35 USC § 102**

**First Rejection:** Claim 15 is rejected under 35 USC 102(e) as being anticipated by Shun'ko (US Pat. No. 6,392,351).

This rejection is respectfully traversed because Shun'ko fails to disclose any external conduit coupled to openings on opposite sides of the wafer or wafer support. The language of Claim 15 ("opposite sides") requires that the pair of openings for each conduit be displaced from one another across the diameter of the wafer or wafer support. Shun'ko's conduits are all very much shorter (i.e., less than half the diameter) and cannot meet this language.

**Second Rejection:** Claim 35 is rejected under 35 USC 102(e) as being anticipated by Pan et al. (US Pat. No. 6,679,981).

Applicants hereby cancel Claim 35 in order to expedite prosecution.

#### **Claim Rejections - 35 USC § 103**

Claims 15-19 are rejected under 35 USC 103(a) as being unpatentable over Shun'ko (US Pat. No. 6,392,351).

This rejection is respectfully traversed because Shun'ko fails to disclose any external conduit coupled to openings on opposite sides of the wafer or wafer support. The language of Claim 15 ("opposite sides") requires that the pair of openings for each conduit be displaced from one another across the diameter of the wafer or wafer support. Shun'ko's conduits are

all very much shorter (i.e., less than half the diameter) and cannot meet this language.

It could not have been obvious in view of Shun'ko to place the pair of openings for each of the plural conduits on or over "opposite" sides of the wafer or wafer support pedestal, as required in Claims 15-19 because Shun'ko's plural conduits (FIG. 4) are all less than half the diameter, and the various circulating plasma currents in Shun'ko would be interrupted in the middle of the process region of Shun'ko. Therefore, Shun'ko's device functions differently from the claimed invention.

Therefore, reconsideration of the rejection of Claims 15-19 under 35 USC 103 is respectfully requested based upon the claim language "near opposite sides of said workpiece".

#### **Double Patenting**

Claims 15-17 and 35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,679,981. Claims 18 and 19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,679,981 in view of Shun'ko (US Pat. No. 6,392,351). Applicants submit herewith Terminal Disclaimers to obviate the double-patenting rejections over U.S. Patent No. 6,679,981 and U.S. Patent No. 6,392,351.

Claims 4, 15-19, 23, 24, 27, 28, 34, 35, 36, and 38-41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 10/285,092. Applicants submit herewith a Terminal Disclaimer to obviate the double-patenting rejection over co-pending Application No. 10/285,092.

Claim 35 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims of co-pending Application No. 10/646,458. Applicants submit herewith a Terminal Disclaimer to obviate the double-patenting rejection over co-pending Application No. 10/646,458.

Claim 35 is provisionally rejected under the judicially create doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 10/164,327. Applicants submit herewith a Terminal Disclaimer to obviate the double-patenting rejection over co-pending Application No. 10/164,327.

#### SUMMARY

In view of the foregoing corrections and remarks, it is felt that the objection to the drawings and the rejection of the claims under 35 USC 112, 2<sup>nd</sup> paragraph, 35 USC 102(e), 35 USC 103(a) and double patenting have been overcome. Therefore, withdrawal of these rejections is respectfully requested and allowance of the application is earnestly solicited.

If, However, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Robert Wallace at (805) 644-4035 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



Robert M. Wallace  
Reg. No. 29,119  
Attorney for Applicant  
**Customer No. 000044843**

Dated: Sep. 14, 2005

Robert M. Wallace, Patent Attorney  
2112 Eastman Avenue, Suite 102  
Ventura, CA 93003  
(805) 644-4035